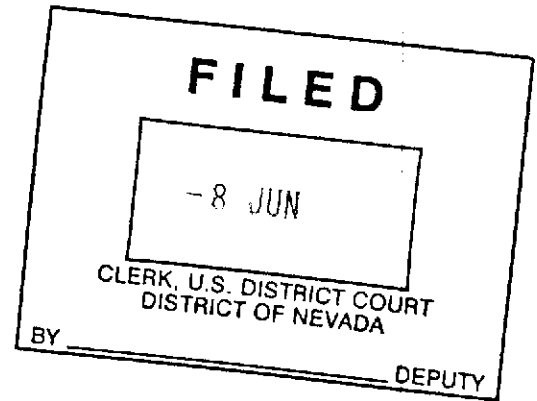


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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 -oOo-

9 UNITED STATES OF AMERICA,

10 PLAINTIFF,

11 vs.

12 NICHOLAS LINDSEY,

13 DEFENDANT.

) CRIMINAL INDICTMENT

) 2:11-CR- 217

) VIOLATIONS:

) 18 U.S.C. § 1343 - Wire Fraud

14
15 **THE GRAND JURY CHARGES THAT:**

16 **COUNTS ONE THROUGH FOUR**
17 **(Wire Fraud)**

18 1. From in or about May 2006, to on or about September 27, 2006, in the State
19 and Federal District of Nevada,

20 **NICHOLAS LINDSEY,**

21 defendant herein, did devise and intend to devise a scheme and artifice to defraud and for
22 obtaining money and property by means of false and fraudulent pretenses, representations,
23 and promises.

24 2. The objective of the scheme and artifice to defraud was for the defendant to
25 buy houses in the names of straw buyers, fraudulently divert part of the proceeds from the
26 mortgages at the closing of escrow for his personal use, live in houses purchased by straw

1 buyers, rent the houses to third parties, collect the rent and keep the proceeds for his
2 personal use and enrichment, and fail to pay the mortgage payment to the lenders.

3
4 3. It was part of the scheme and artifice that the defendant did the following:

5 a. The defendant located residential properties for sale.

6 b. The defendant recruited straw buyers to purchase the properties. A
7 straw buyer is a person in whose name a perpetrator buys a house, when the perpetrator
8 then and there intends to control the ownership in the house.

9 c. In some instances, the defendant obtained identification
10 information from straw buyers without the straw buyers' knowledge and consent and used
11 the information to buy houses.

12 d. The defendant knowingly caused materially false information to be
13 placed in the straw buyers' mortgage loan applications and supporting documents,
14 including but not limited to the individual's role as a straw buyer, income, assets, intent to
15 live in the houses, and thereafter caused the loan applications and supporting documents
16 to be submitted to lenders.

17 e. The defendant lived in, rented the houses, and kept rental income
18 from properties purchased in the names of straw buyers and failed to make payments on
19 the properties to the lenders.

20 4. On or about the dates set forth below, for the purpose of executing the
21 scheme and artifice, the defendant did cause to be transmitted by means of wire
22 communication in interstate commerce, writings, signs, signals, and pictures, that is, the
23 wire transfers described below for the properties listed below:

24

25

Count	Date	Property Address	Wire Transfers	Loan amount obtained for property
1	6/07/2006	5047 Sagelyn Las Vegas, Nevada	Disbursement of loan payoff - Land Title of Nevada to Chase Bank of Texas	\$299,900
2	6/28/2006	134 Fratelli Las Vegas, Nevada	Disbursement of loan payoff - Bankwest of Nevada to JP Morgan Chase Bank	\$460,000
3	9/13/2006	8070 Russell #1084 Las Vegas, Nevada	Disbursement of loan payoff - Land Title of Nevada to Bank of America	\$180,500
4	9/27/2006	9174 November Breeze Las Vegas, Nevada	Disbursement of loan payoff - Land Title of Nevada to Bank of America	\$665,000

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION ONE
Wire Fraud

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2
3 1. The allegations contained in Counts One through Four of this Criminal
4 Indictment are hereby realleged and incorporated herein by reference for the purpose of
5 alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title
6 28, United States Code, Section 2461(c).

7 2. Upon conviction of the felony offense charged in Counts One through Four
8 of this Criminal Indictment,

NICHOLAS LINDSEY,

9
10 defendant herein, shall forfeit to the United States of America, any property, real or personal,
11 which constitutes or is derived from proceeds traceable to violations of Title 18, United
12 States Code, Section 1343, a specified unlawful activity as defined in Title 18, United States
13 Code, Sections 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offenses, an
14 *in personam* criminal forfeiture money judgment up to \$1,605,400.00 in United States
15 Currency.

16 3. If any property being subject to forfeiture pursuant to Title 18, United States
17 Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), as a result
18 of any act or omission of the defendant –

- 19 a. cannot be located upon the exercise of due diligence;
20 b. has been transferred or sold to, or deposited with, a third party;
21 c. has been placed beyond the jurisdiction of the court;
22 d. has been substantially diminished in value; or
23 e. has been commingled with other property that cannot be divided without
24 difficulty;

1 it is the intent of the United States of America, pursuant to Title 21, United States Code,
2 Section 853(p), to seek forfeiture of any properties of the defendant for an *in personam*
3 criminal forfeiture money judgment up to \$1,605,400.00 in United States Currency.

4 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
5 United States Code, Section 2461(c); Title 18, United States Code, Sections 1343, a
6 specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)
7 and 1961(1)(B); and Title 21, United States Code, Section 853(p).

8 **FORFEITURE ALLEGATION TWO**
9 **Wire Fraud**

10 1. The allegations of Counts One through Four of this Criminal Indictment are
11 hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture
12 pursuant to the provision of Title 18, United States Code, Section 982(a)(2)(A).

13 2. Upon conviction of the felony offense charged in One through Four of this
14 Criminal Indictment,

15 **NICHOLAS LINDSEY,**

16 defendant herein, shall forfeit to the United States of America, any property constituting, or
17 derived from, proceeds obtained directly or indirectly as a result of violations of Title 18,
18 United States Code, Section 1343, or a conspiracy to commit such offenses, an *in personam*
19 criminal forfeiture money judgment up to \$1,605,400.00 in United States Currency.

20 3. If any property being subject to forfeiture pursuant to Title 18, United States
21 Code, Section 982(a)(2)(A), as a result of any act or omission of the defendants –

- 22 a. cannot be located upon the exercise of due diligence;
23 b. has been transferred or sold to, or deposited with, a third party;
24 c. has been placed beyond the jurisdiction of the court;
25 d. has been substantially diminished in value; or
26

1 e. has been commingled with other property that cannot be divided without
2 difficulty;

3 it is the intent of the United States of America, pursuant to Title 21, United States Code,
4 Section 853(p), to seek forfeiture of any properties of the defendants for an *in personam*
5 criminal forfeiture money judgment up to \$1,605,400.00 in United States Currency.

6 All pursuant to Title 18, United States Code, Sections 982(a)(2)(A), Title 18, United
7 States Code, Section 1343, and Title 21, United States Code, Section 853(p).

8 **DATED:** this 8 day of June 2011.

9 **A TRUE BILL:**

10 /s/
11 FOREPERSON OF THE GRAND JURY

12 DANIEL G. BOGDEN
13 United States Attorney

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15 CHRISTINA M. BROWN
16 Assistant United States Attorney
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